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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,015	01/22/2004	Homer D. Knapp	LA-6812-103/10314579	3240
167	7590	10/24/2006	EXAMINER	
FULBRIGHT AND JAWORSKI LLP 555 S. FLOWER STREET, 41ST FLOOR LOS ANGELES, CA 90071			JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,015	<b>Applicant(s)</b> KNAPP, HOMER D.	
	<b>Examiner</b> Stephen M. Johnson	<b>Art Unit</b> 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 20-37 is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☒ Claim(s) ~~1-37~~ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Idehara (688).

Idehara (688) discloses a projectile weapon comprising:

- |                               |            |
|-------------------------------|------------|
| a) an elongate tubular body;  | 12, 14     |
| b) a handle;                  | 64         |
| c) a firing mechanism;        | 122        |
| d) a trigger assembly;        | 114        |
| e) a reverser mechanism;      | 96, 98     |
| g) a breech assembly;         | 18         |
| h) open and closed positions; | see fig. 2 |

3. Applicant's arguments are addressed as follows. It is argued that applicant's reverser mechanism reverses the rearward motion of the trigger into a forward motion appropriate for actuating a firing mechanism. In response, note that all applicant has actually claimed is "a reverser mechanism disposed within the receiver portion"; "the reverser mechanism coupled to the trigger and to the firing mechanism"; "the trigger is adapted to actuate the reverser mechanism"; and "the reverser mechanism is adapted to actuate the firing mechanism". Firstly, puller mechanism 96, 98 qualifies as a "reverser mechanism" because it reverses the motion of hammer or "firing mechanism" 122. Hammer 122 initially moves rearwardly with respect to the

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slidable outer member 96 and then moves forwardly when ball 124 of hammer 122 encounters ramp point 126 (see col. 12, lines 15-48). Secondly, the reverser mechanism 96, 98 of Idehara is disposed in receiver portion 14 (see figs. 3 and 7). Clearly reverser mechanism 96, 98 is coupled to the trigger and to the firing mechanism (see col. 12, lines 37-55). The reverser mechanism 96, 98 is clearly actuated by the trigger assembly 114 (see col. 12, lines 37-55) and the reverser mechanism 96, 98 actuates firing mechanism 122 (see col. 12, lines 37-44). Consequently, all of the limitations with regard to the reverser mechanism as claimed are met by Idehara.

With regard to the argument directed to the trigger of Idehara being moved forward, it should be noted that there is no claim limitation directed to which direction the trigger moves to performs its function of actuating the reverser mechanism. With regard to the argument that the holder 100, tubular stop 98, and slidable member 96 all move forwardly along with the trigger mechanism 114, while this may be the case there are no claim limitations directed what direction any of the elements move to perform their functions as claimed. Applicant further argues that his trigger moves backward and such movement results in forward movement that results in actuation of the firing mechanism. Once again, none of the claim limitations reference movement in any particular direction for the trigger or the other associated actuation elements.

4. Claims 1-9 and 20-37 are allowed.
5. Claims 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Applicant's arguments filed 8/28/2006 have been fully considered but they are not persuasive. These arguments have been addressed in paragraph 3 above.

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is ([Stephen.Johnson@uspto.gov](mailto:Stephen.Johnson@uspto.gov)). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

  
**STEPHEN M. JOHNSON**  
**PRIMARY EXAMINER**

Stephen M. Johnson  
Primary Examiner  
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SMJ

October 20, 2006